

IBM Docket No. JP920000112US1

Regarding the telephone interview between the Examiner and the undersigned on April 3, 2002, applicants provisionally elected, w/traverse, claims 1 - 10 for prosecution in the current application. Applicants argue that the claimed invention as claimed in claims 11 - 16 are drawn to the process as indicated in claims 1 - 10. It is not understood why the Examiner feels that the oxide film can be formed on the "inner wall" of an amorphous silicon layer. Applicants' claimed invention deals with the forming of an oxide film on the inner wall of the processing chamber as part of the process for making an active matrix device that includes a top gate type TFT. It is quite clear from the U.S. PTO class definitions for Class 118 that applicants' claimed invention is not classifiable in class 118.

The definitions for class 118 reads as follows:

#### **SECTION I - CLASS DEFINITION**

This is the generic class for apparatus for applying or obtaining a surface coating on a base and/or apparatus for impregnating base materials and takes all such apparatus not provided for in other classes.

The coating obtained may be permanent or transitory. The coating may be supplied solely by extraneous materials, as in a painting or waxing operation, or may be supplied wholly or in part by the base materials as in the formation of an oxide coating on a metal base. The coating may consist of an emulsion, dispersion, solution, admixture or oil which is clearly disclosed as leaving a residual film, layer or continuous deposit on the base. However, mere application of water to a base is excluded and classified elsewhere in generic liquid contact class or other appropriate related liquid contact classes even where the stated function is to lubricate, coat or protect the base. See Lines With Other Classes and Within This Class, below, for additional discussion concerning exclusions.

The class also provides for apparatus for preparing the base for the coating operation, subsequent treatment of the coated base and ancillary noncoating apparatus, per se, when there is no class which specifically provides therefor. The treatment of the surface coating may be by application of water or other solvent alone, e.g., where a sponge supported on a fixed base is disclosed as applying water to a stamp to moisten the coating thereon. On the other hand, application of water or a solvent to a coated surface to remove the coating or to clean it without otherwise modifying it, would be excluded from Class 118 and classified in the appropriate surface treating class.

To be classified in this class the work treated must not be a part of the coating machine itself but must be an article separate and distinct therefrom. (emphasis added) Machines having as a part thereof means to condition or prepare the machine are generally classified with the art that provides for the particular machine, but see MOLD OR DIE COATING, for an exception to the line.

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Since applicants' claims clearly call for the coating of the chamber as part of the claimed invention, it is clear that claims 11 – 16 are not classifiable in class 118. Furthermore, the Examiner has cited prior art that addresses the claimed subject matter of claims 1 – 10 and as well, as claims 11 – 16. Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement and examine claims 11 – 16 on the merits.

Applicants wishes to bring to the Examiner's attention that the current patent application was filed on May 15, 2001, some six months after the AIPA effective date of November 29, 2000. Accordingly, applicants are entitled to the benefits of having the present patent application examined under the AIPA changes to 35 U.S.C. § 102(e).

In response to the Examiner's rejection of claims 1, 4, 5, 8 and 10 under 35 U.S.C. § 102(e) as being anticipated by the Ohnuma et al., applicants traverse the rejection and believe that the claims are not anticipated by Ohnuma et al. Applicants' claimed invention requires "forming an oxide film on an inner wall of a CVD processing chamber" as part of the manufacturing method of an active matrix device including a top gate type TFT (see claim 1). Applicants' claimed invention further requires "a removable oxide film" being formed on "an inner wall of the processing chamber for forming the top gate type TFT" (see claim 11). Ohnuma fails to teach or suggest the "forming an oxide film on an inner wall of a CVD processing chamber" as part of the manufacturing method of an active matrix device including a top gate type TFT. Ohnuma further fails to teach or suggest "a removable oxide film" being formed on "an inner wall of the processing chamber for forming the top gate type TFT". Ohnuma still further fails to teach or suggest the order in which applicants claimed method steps are presented. Accordingly, it is believed that Ohnuma et al. cannot anticipate applicants' claimed invention under 35 U.S.C. § 102(e) as defined in claims 1 - 16.

In response to the Examiner's rejection of claims 2, 3, 6, 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Ohnuma et al. in view Shang et al., applicants traverse the rejection and believe that the claims are patentable over Ohnuma et al. in

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view of Shang et al. While Shang does teach a method for cleaning a deposition chamber that is used for fabricating electronic devices, Shang does not solve the deficiencies of the Ohnuma et al. patent. Shang fails to teach or suggest the "forming an oxide film on an inner wall of a CVD processing chamber" as part of the manufacturing method of an active matrix device including a top gate type TFT, as required in applicants' claims. Shang further fails to teach or suggest "a removable oxide film" being formed on "an inner wall of the processing chamber for forming the top gate type TFT", as required in applicants claims. The only teachings that Shang offers is the cleaning of the chamber. The Shang patent does not even mention the cleaning of an "oxide film" material from the inner walls of the chamber. Accordingly, it is believed that Ohnuma et al. cannot make obvious applicants' claimed invention, either singularly or in combination with Shang et al under 35 U.S.C. § 103(a). Furthermore, there is no motivation for one skilled in the art to combine the teachings of Ohnuma et al. and Shang et al. as defined in claims 1 – 16.

In view of the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application and allow the claims therein. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

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In the event that this response does not result in allowance of all such claims, the

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undersigned respectfully requests a telephone interview at the Examiner's earliest convenience.

Respectfully submitted,

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JUL 2 2002

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